

U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:96-cr-00702-FB-ALL

Case title: USA v. Weinstein
Other court case number(s): None
Magistrate judge case number(s): None

Date Filed: 08/02/96

Assigned to: Judge Frederic Block
Referred to:

Defendant(s)

Jeffrey J. Weinstein (1)
TERMINATED: 03/31/1998

represented by **Lawrence Hochheiser**
Hochheiser & Hochheiser, LLP
270 Madison Avenue
Suite 1203
New York, NY 10016-2202
Fax: (212) 481-3424
TERMINATED: 03/31/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1341, 2 & 3551 et seq - DEVISED
A SCHEME & ARTIFICE TO
DEFRAUD THE COAST GUARD &
TO OBTAIN MONEY & PROPERTY
FROM THE COAST GUARD BY
MEANS OF FALSE &
FRAUDULENT PRETENSES.
(1-3)

Disposition

Defendant is sentenced to Counts 1-3
and receives 1 year probation with the
special condition that he serve 6 months
of home confinement; that he pay a fine
of \$2,000.00; and that he make
restitution to the U.S. Coast Guard in
the sum of \$3 6,000.00. The fine and
restitution in the combined sum of
\$38,000.00 shall be paid on or before
one day prior to the end of probation.

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Miriam R. Best**
 United States Attorney's Office
 Criminal Division
 225 Cadman Plaza East
 Brooklyn, NY 11201
 (718) 254-7000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Filing Date	#	Docket Text
08/02/1996	1	CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Magistrate Steven M. Gold on date of 8/2/96 for Grand Jury presentment of Indictment handed up & ordered filed. (Greves, Liz) (Entered: 08/19/1996)
08/02/1996	2	INDICTMENT as to Jeffrey J. Weinstein (1) count(s) 1-3. (Greves, Liz) (Entered: 08/19/1996)
08/02/1996		Magistrate Pollak has been selected by random selection to handle any matters that may be referred in this case. (Greves, Liz) (Entered: 08/19/1996)
08/13/1996	3	CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Magistrate A. S. Chrein on 8/13/96 for arraignment. AUSA: Miriam Best. Defense counsel: Lawrence Hochheiser. Tape # 96/56 (380-673). Defendant arraigned and pleads Not Guilty: Jeffrey J. Weinstein (1) count(s) 1-3 . Order of excludable delay entered until 9/6/96. (Asreen, Wendy) (Entered: 08/22/1996)

08/13/1996		District Court Arraignment as to Jeffrey J. Weinstein (1) count(s) 1-3 held. (Asreen, Wendy) (Entered: 08/22/1996)
08/13/1996	4	Defendant, Jeffrey J. Weinstein, released on his own recognizance. (Signed by Magistrate A. S. Chrein , dated 8/13/96) (Asreen, Wendy) (Entered: 08/22/1996)
08/13/1996	5	ORDER as to Jeffrey J. Weinstein, of excludable delay from 8/13/96 to 9/6/96 . (Signed by Magistrate A. S. Chrein , dated: 8/13/96) (Asreen, Wendy) (Entered: 08/22/1996)
08/19/1996	6	(copy) LETTER dated 8/16/96 from AUSA, Miriam Best to Lawrence Hochheiser, Esq., providing discovery. (Asreen, Wendy) (Entered: 08/26/1996)
09/06/1996	7	CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Judge Frederic Block on date of 9/6/96 for status conference. Jeffrey Weinstein present with counsel Lawrence Haccheiser; AUSA Miriam Best present; Court Reporter F. Guerino. Deft's motion filing deadline for 10/25/96 , Governments response motion due 11/8/96 , Further status set for 10/25/96 at 3:00PM only if no motions have been filed. , Jury selection for 2/3/97 before Judge Frederic Block . Findings and order of excludable delay until 10/25/96 entered on the record. (Romano, Dan) (Entered: 09/11/1996)
09/11/1996	8	LETTER dated 9/4/96 from Miriam Best to Mr. Hochheiser, enclosing copies of the following discovery: Deft's examinations before trial in Weinstein v. Fleet Factors Corp., 4/27/94, 6/1/94, 7/20/94; report of arraignment and processing of deft, dated 8/13/96; Deft's testimony before the grand jury, Eastern District of Pennsylvania, 12/5/89. (Romano, Dan) (Entered: 09/11/1996)
09/18/1996	9	ORDER of EXCLUDABLE DELAY from 9/6/96 to 10/25/96 as to Jeffrey J. Weinstein. (Signed by Judge Frederic Block , dated: 9/6/96). (Greves, Liz) (Entered: 09/18/1996)
09/27/1996	10	LETTER dated 9/27/96 from Miriam Best to Lawrence Hochheiser, enclosing copies of the videotapes of the inspection of 50 chemical protective suits performed by Government QARs between 4/30/96 and 5/2/96. (Romano, Dan) (Entered: 10/07/1996)
10/16/1996	11	Copy of LETTER dated 10/9/96 from Lawrence Hochheiser to Ms. Best requesting discovery & a demand for a bill of particulars on behalf of deft Jeffrey Weinstein. (Greves, Liz) (Entered: 10/16/1996)
10/25/1996	14	CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Magistrate Marilyn D. Go on date of 10/25/96 for for order of

		excludable delay. AUSA M. Best. Tape # 96/86 (1112-1286). Deft present with counsel Lawrence Hochheiser. Time excluded for speedy trial from 10/25/96 thru 12/6/96. (Greves, Liz) (Entered: 11/07/1996)
10/28/1996	18	LETTER dated 10/28/96 from Miriam R. Best, AUSA, to Judge Block stating that if no defense motions are filed by 11/15/96 the government requests that a status conference be held on 11/18/96 at 9:30. (Johnson, Tanya) (Entered: 11/20/1996)
11/01/1996	12	LETTER dated 10/16/96 from Lawrence Hochheiser to Judge Block, requesting an additional 2 weeks of preparation time for submissions of defense motions. (Romano, Dan) (Entered: 11/01/1996)
11/05/1996	13	LETTER dated 10/28/96 from Miriam Best to Judge Block, requesting that a status conference be held in this case on 11/18/96 or as soon thereafter as the parties may be heard. (Romano, Dan) (Entered: 11/05/1996)
11/07/1996	15	ORDER of EXCLUDABLE DELAY from 10/25/96 thru 12/6/96 as to Jeffrey J. Weinsten. (Signed by Magistrate Marilyn D. Go ,dated: 10/25/96). (Greves, Liz) (Entered: 11/07/1996)
11/18/1996	16	LETTER dated 10/21/96 from Lawrence Hochheiser to Mirim Best, AUSA, Addendum to the 10/9/96 discover request and demand for Bill of Particulars by deft Jeffrey Weinsten. (Romano, Dan) (Entered: 11/18/1996)
11/18/1996	17	CALENDAR ENTRY as to Jeffrey J. Weinsten ; Case called before Judge Frederic Block on 11/18/96 for status conference. AUSA: Miriam Best. Defense counsel: Lawrence Hoccheiser. ESR: Robert Eppenstein. Defendant requests additional time to file motions. Reset motion filing deadline of 12/6/96 with government's response due 1/3/97 . Order of excludable delay entered until 1/3/97. (Asreen, Wendy) (Entered: 11/19/1996)
11/21/1996	19	ORDER of EXCLUDABLE DELAY from 11/18/96 to 1/3/97 as to Jeffrey J. Weinsten. (Signed by Judge Frederic Block , dated: 11/18/96). (Greves, Liz) (Entered: 11/21/1996)
11/25/1996	20	TRANSCRIPT filed in case as to Jeffrey J. Weinsten for status conference before Judge Block on 11/18/96 ; ESR: L. Vazquez. (Romano, Dan) (Entered: 11/27/1996)
11/29/1996	21	LETTER dated 11/1/96 from Miriam Best to Lawrence Hochheiser, replying to discovery letter and demands for bill of particulars dated 10/19/96 and 10/21/96. (Romano, Dan) (Entered: 11/29/1996)

12/06/1996	22	MOTION by Jeffrey J. Weinstein to dismiss. (Greves, Liz) (Entered: 12/10/1996)
12/06/1996	23	MEMORANDUM by Jeffrey J. Weinstein in support of [22-1] motion to dismiss. (Greves, Liz) (Entered: 12/10/1996)
12/10/1996	24	Corrected Version of deft Weinstein's MEMORANDUM in support of [22-1] motion to dismiss. (Greves, Liz) (Entered: 12/12/1996)
12/30/1996	25	(copy) LETTER dated 12/27/96 from AUSA, Miriam Best, to Judge Block, requesting that the government have until 1/17/97 to respond to the motion to dismiss. (Asreen, Wendy) (Entered: 01/06/1997)
01/16/1997	26	LETTER dated 12/27/96 from Miriam Best to Judge Block requesting that the date for AUSA to responded be extended for two weeks until 1/17/97. (Romano, Dan) (Entered: 01/16/1997)
01/16/1997		ENDORSED ORDER extending time until 1/17/97 for the Government to responded to deft motion to dismiss the indictment. (Judge Frederic Block , dated 1/9/97). (Romano, Dan) (Entered: 01/16/1997)
01/17/1997	27	MEMORANDUM by USA as to Jeffrey J. Weinstein in opposition to [22-1] motion to dismiss. (DiTomasso, Mike) (Entered: 01/22/1997)
02/05/1997	29	LETTER dated 2/5/97 from Miriam Best to Lawrence Hochheiser, replying to your letter of 1/27/97. re discovery material. (Romano, Dan) (Entered: 02/11/1997)
02/10/1997	28	LETTER dated 1/27/97 from Lawrence Hochheiser to Judge Block, requesting an extension of time of two weeks until 2/14/97 to reply to the Governments reply memorandum. (Romano, Dan) (Entered: 02/10/1997)
02/10/1997		ENDORSED ORDER as to Jeffrey J. Weinstein, extending time until 2/14/97 to reply to Government's reply memorandum. (Judge Frederic Block , dated 2/5/97) (Romano, Dan) (Entered: 02/10/1997)
02/18/1997	32	Deft Jeffrey J. Weinstein's REPLY MEMO to the government's opposition to deft's motion to dismiss. (Greves, Liz) (Entered: 02/25/1997)
02/20/1997	30	CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Judge Frederic Block on date of Feb. 20, 1997, for status conference. Deft. present, on bail and represented by Lawrence Hoccheiser. Govt. rep. by Miriam Best. Court Reporter - Fred Guerino. Sur-Reply papers to be filed by Govt. by 3/3/97 regarding Deft.'s motion to [22-

		1] dismiss. The Court sets jury selection for 5/19/97 for Jeffrey J. Weinstein before Judge Frederic Block and sets Jury trial for 5/19/97 for Jeffrey J. Weinstein before Judge Frederic Block . (Vaughn, Terry) (Entered: 02/21/1997)
02/20/1997	33	AMENDED CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Judge Frederic Block on date of 2/20/97. Court Reporter F. Guerino & AUSA M. Best. Counsel for all sides present. Deft present on bail with counsel Lawrence Hoccheiser. Jury selection & jury trial set for 5/19. Parties consent to magistrate judge jury selection. Government will submit sur reply papers re: deft's motion by 3/3. (Greves, Liz) (Entered: 03/04/1997)
02/24/1997	31	LETTER dated 2/5/97 from Miriam R. Best, AUSA to Judge Block, Replying to your letter dated 1/27/97 regarding your request for additional discovery. (Romano, Dan) (Entered: 02/24/1997)
03/05/1997	34	LETTER dated 1/20/97 from Lawrence Hochheiser to Miriam Best, requesting an additional 60 days beyond the previously set date of 2/3/97 to complete discovery. We have yet to receive your response to our motion and would need time to prepare a reply brief as well. (Romano, Dan) (Entered: 03/05/1997)
03/05/1997	35	LETTER dated 1/15/97 from Miriam Best to Lawrence Hochheiser, re: discovery material. (Romano, Dan) (Entered: 03/05/1997)
03/14/1997	36	Government's Supplemental MEMORANDUM of law and exhibits in opposition deft's [22-1] motion to dismiss the Indictment. (Romano, Dan) (Entered: 03/14/1997)
03/20/1997	37	LETTER dated 3/7/97 from Lawrence Hochheisen to Judge Block, requesting permission to file additional papers to reply to the govt's supplemental memo opposing deft's motion to dismiss. (Dobkin, David) (Entered: 03/20/1997)
04/09/1997	38	Copy of LETTER dated 3/18/97 from Lawrence Hochheiser to Ms. Best advising that this letter is an addendum to the 10/9/96 Demand for Bill of Particulars by deft Jeffrey Weinstein. (Greves, Liz) (Entered: 04/09/1997)
04/11/1997	39	MOTION by Jeffrey J. Weinstein for an order excluding "other crimes, wrongs, or acts" evidence offered by the government under Rule 404(b). (Greves, Liz) (Entered: 04/16/1997)
04/18/1997	42	LETTER dated 4/18/97 from Miriam Best to Lawrence Hochheiser, enclosing the following documents re: discovery; deft's testimony before U.S. Courts of Federal Claims; Deft's affidavit in opposition to

		motion for summary judgment. (Romano, Dan) (Entered: 05/13/1997)
05/01/1997	40	LETTER dated 4/18/97 from Miriam Best to Lawrence Hochheiser, enclosing the following documents in accordance with the Government's discovery obligations; Deft's testimony before the U. S. Court of Federal Claims dated 6/23/93; deft's affidavit in opposition to motion for summary judgment in Jeffrey Weinstein et al, v. Fleet Factors Corp. (Romano, Dan) (Entered: 05/01/1997)
05/02/1997	46	ORDER as to Jeffrey J. Weinstein that the Government may disclose tax returns and return information of Jeffrey J. Weinstein. (Signed by Judge Frederic Block , dated: 5/1/97). (Romano, Dan) (Entered: 05/19/1997)
05/05/1997	47	LETTER dated 5/3/97 from Miriam Best to Lawrence Hochheiser, please advise Government whether deft would agree to stipulate regarding Protective Textiles chemsuits. (Romano, Dan) (Entered: 05/19/1997)
05/06/1997	43	Deft Jeffrey J. Weinstein's MEMO of LAW in Reply to the government's opposition to his motion to exclude 404(b) evidence. (Greves, Liz) (Entered: 05/14/1997)
05/07/1997	41	LETTER dated 4/18/97 from Miriam Best to Judge Block, requesting that deft's motion to exclude this evidence be denied, and we further request that the government be allowed to introduce this evidence in its case-in-chief. (Romano, Dan) (Entered: 05/07/1997)
05/12/1997	61	LETTER dated 5/12/97 from Miriam Best to Judge Block, submitting this letter in futher support of its motion in limine to permit the introduction of evidence regarding the attempt sale of chemsuits to Tradeways, International. (Romano, Dan) (Entered: 06/09/1997)
05/13/1997	45	CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Judge Frederic Block on date of 5/13/97 for motion hearing. Jeffrey J. Weinstein present with counsel Lawrence Hochheiser; AUSA Miriam Best present. ESR L. Auson. Deft present on bail. Motion to dismiss argued. Deft request that Michael Winstein, ESQ be admitted to argue the motion to dismiss GRANTED. Motion to dismiss indictment argued. Motion DENIED. Deft request a one month adjournment of trial presently set for 5/19/97. Jury selection set for 5/19/97 for Jeffrey J. Weinstein before Judge Frederic Block , Jury trial set for 5/21/97 for Jeffrey J. Weinstein before Judge Frederic Block . Motion re: 404(B) agrued; decision reserved. (Romano, Dan) (Entered: 05/19/1997)
05/15/1997	48	CALENDAR ENTRY as to Jeffrey J. Weinstein ; Case called before Judge Frederic Block on date of 5/15/97 for motion hearing. Jeffrey J.

		Weinstein present with counsel Lawrence Hochheiser; AUSA Miriam Best present; ESR L. Auson. Deft present on bail. Motion to dismiss argued. Deft requests that Michael Weinstein be admitted to argue the motion to dismiss GRANTED. Motion to dismiss indictment argued. Motion DENIED. Deft requests a one month adjournment of trial presently set for 5/19/97. Jury selection set for 5/19/97 ; Jury trial set for 5/21/97 before Judge Block. Motion re: 404(B) argued; decision reserved. (Romano, Dan) (Entered: 05/21/1997)
05/16/1997	51	LETTER dated 5/15/97 from Miriam Best to Lawrence Hochheiser, Enclosing copies of the Government's 3500 material which is contained in four velobound volumes. (Romano, Dan) (Entered: 05/28/1997)
05/19/1997	44	LETTER dated 5/13/97 from Miriam Best to Lawrence Hochheiser, enclosing copies of the U.S. Coast Guard files regarding chemsuits for the PSU's for discovery perposes. (Romano, Dan) (Entered: 05/19/1997)
05/20/1997	49	TRANSCRIPT filed in case as to Jeffrey J. Weinstein for motion hearing before Judge Block on 5/13/97 ; Court Reporter/ESR: L. Auson. (Romano, Dan) (Entered: 05/21/1997)
05/22/1997	50	LETTER dated 5/15/97 from AUSA Miriam Best to Lawrence Hochheiser Esq. re: enclosed are copies of the government's 3500 material which is contained in four velobound volumes. (McGee, Maryann) (Entered: 05/22/1997)
05/27/1997	52	LETTER dated 5/23/97 from AUSA Miriam Best to Judge Block re: the Court's request that the government detail more specifically its evidence regarding the attempted sale of chemical protective suits ("chemsuits") to Tradeways, Inc. (McGee, Maryann) Modified on 05/29/1997 (Entered: 05/29/1997)
05/27/1997	53	LETTER dated 5/22/97 from AUSA Miriam Besst to Lawrence Hochheiser re: reply to letter of 5/21/97, asking the government to forward to you the files of Willie Franklin, Barry Gobel and Theodore Jilek. We do not possess any personnel files for these men and therefore cannot foward them to you. (McGee, Maryann) (Entered: 05/29/1997)
05/27/1997	54	LETTER dated 5/23/97 from AUSA Miriam Best to Lawrence Hochheiser Esq. re: we enclose a draft stipulation that we believe will eliminate not only the issue of knowledge but also numerous witnesses and exhibits, which will shorten the trial. Draft stipulation attached. (McGee, Maryann) Modified on 05/29/1997 (Entered: 05/29/1997)

05/27/1997	55	LETTER dated 5/23/97 from AUSA Miriam Best to Lawrence Hochheiser, Esq. re; in accordance with the government's continuing discovery obligations we enclose copies of the following: files of Judy Dennison, documents provided by Wall Shipping, copies of documents from U.S.Coast Guard files, Govenor's Island and Ninth Coast Guard District, copies of document regarding shipment of chemsuits from Camp Perry, Ohio to the Eastern District of New York. (McGee, Maryann) (Entered: 05/29/1997)
05/27/1997	56	LETTER dated 5/23/97 from AUSA Miriam Best to Lawrence Hochheiser, Esq. re: in accordance with the government's continuing discovery obligations, we provide you with a summary of the expected testimony of the government's expert witnesses. (McGee, Maryann) (Entered: 05/29/1997)
05/27/1997	57	LETTER dated 5/27/97 from AUSA Miriam Best to Lawrence Hochheiser Esq. re: reply to fax of Friday 5/23/97, suggesting alternative language in paragraph 4 of proposed stipulation regarding Deft's knowledge. (McGee, Maryann) (Entered: 05/29/1997)
05/27/1997	59	COPY of TRANSCRIPT filed in case as to Jeffrey J. Weinsten for motion hearing before Judge Block on 5/13/97 ; ESR: L. Auson. (Romano, Dan) (Entered: 06/02/1997)
05/29/1997		ENDORSED ORDER GRANTING jury selection change from 5/19/97 to 6/2/97 and will be conducted by a U.S. Magistrate Judge. The trial commencement date is changed from 5/21/97 to 6/9/97 as to Jeffrey J. Weinsten. Mr Weinsten waives his Speedy Trial rights to the extent necessary for these arraignments. Order endorsed on letter dtd 5/16/97. (Judge Frederic Block , dated 5/22/97) (McGee, Maryann) (Entered: 05/29/1997)
05/29/1997	58	ORDER GRANTING jury selection change from 5/19/97 to 6/2/97 which will be conducted by a U.S. Magistrate Judge. The trial commencement date is changed from 5/21/97 to 6/9/97 as to Jeffrey J. Weinsten. Mr. Weinsten waives his Speedy Trial rights to the extent necessary for these arraignments. Order endorsed on letter dtd 5/16/97. (Signed by Judge Frederic Block , dated: 5/22/97) (McGee, Maryann) (Entered: 05/29/1997)
06/02/1997	60	CALENDAR ENTRY as to Jeffrey J. Weinsten ; Case called before Magistrate Steven M. Gold on date of 6/2/97 for Jury selection. Jeffrey J. Weinstein present with counsel Larry Horhheser; AUSA Miriam Best; Kathren Frieser; Court Reporter Henry Shapiro. Jury trial set for 11:00 6/9/97 for Jeffrey J. Weinsten . (Romano, Dan) (Entered: 06/06/1997)
06/06/1997	64	CALENDAR ENTRY as to Jeffrey J. Weinsten ; Case called before